

**REMARKS**

Applicant has amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. All the claims have been canceled from the application and replaced with a new set of claims, claims 9-14. These claims have been written in proper form and are fully supported by Applicant's specification. Applicant most respectfully submits that all the claims now present in the application are in full compliance with 35 U.S.C. 112 and are clearly patentable over the references of record.

The rejection of claims 1-5 under 35 USC 112, second paragraph, has been obviated by the cancellation of these claims and rewriting the claims in proper dependent form. Accordingly, it is most respectfully requested that the rejection in item 2 on page 2 of the Official Action be withdrawn.

The rejection of claims 1-5 under 35 U.S.C. 112, second paragraph, as being indefinite has been carefully considered but is most respectfully traversed in view of the amendments to the claims. The new dependent claims are in proper dependent form and contain an appropriate Markush group with further dependent claims specifying the specific aspects of the invention as set forth in Applicant's specification. Accordingly, it is most respectfully requested that this aspect of the rejection be withdrawn.

In rewriting the claims, the appropriate Markush language has been used in the claims and the dependent claims now avoid having a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation. Accordingly, it is most respectfully requested that this aspect of the rejection be withdrawn.

Applicant notes the Examiner's comments in item 4 on page 3 of the Official Action. Applicant most respectfully submits that Applicant is entitled to a generic claim with and a reasonable number of species claims dependent thereon. As the claims are now amended, they all should be examined on the merits. The subject matter of claim 6 has been deleted from the application subject to Applicant's right to file a divisional application directed thereto.

The cancellation of the specific claims 6, 7 and 8 obviates the objection to these claims.

The rejection of claim 1 under 35 U.S.C. 102(b) as being clearly anticipated by Jones has been carefully considered but is respectfully traversed in view of the amendment to the claims.

Applicant wishes to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

Applicant notes that Jones discloses a plastic packaging film comprising a base polyethylene terephthalate film having thickness of 1ml (i.e., 25.4 microns) (column 3, line 36). This film is coated with a coating comprising zirconium oxide at thickness of not more than 2 microns. Example 14 is said to show a coating thickness for zirconium oxide of 1.6 microns.


As further discussed in the patent, at column 2, line 5, an object of this invention therefore is to provide a sealable, flexible transparent packaging film which has, initially and which retains under conditions of use, an extremely low permeability to gases and liquids. Another object is to provide a flexible transparent, heavy duty packaging film which retains an exceedingly low permeability to gases and liquids under packaging conditions which subject the film to high mechanical stresses. However, there is absolutely no suggestion in this reference of a film capable of radiating far infrared with a wavelength of 4  $\mu\text{m}$  ~ 14  $\mu\text{m}$  utilizing the fact that in ordinary temperature far infrared ceramic materials can absorb the environmental energy and radiate appropriate amount of far infrared radiation. This is a claim limitation which cannot be ignored. While it is

noted that some of the ceramic materials are included in the references, these do not suggest the combinations and the results achieved by the presently claimed invention. Accordingly, it is most respectfully requested that this rejection be withdrawn.

This is especially true of the dependent claims which specify specific aspects which are not described or suggested by the reference. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,  
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